

Decision 02-06-057 June 27, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Mammoth Mountain Ski Area for authority to operate as a scheduled passenger stage corporation between Mammoth Lakes and Yosemite Valley.

Application 02-03-056
(Filed March 27, 2002)

O P I N I O N

Summary

This decision grants the application of Mammoth Mountain Ski Area (Applicant), a corporation, pursuant to Pub. Util. Code § 1031 et seq., for a certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant requests authority to operate as a scheduled PSC to transport passengers and their baggage between Mammoth Lakes, June Lake, Lee Vining, Tuolumne Meadows, White Wolf, Crane Flat, and Yosemite Valley.¹ Applicant is involved in the transit service program initiated by the Yosemite Area Regional Transportation Strategy (YARTS)—a consortium of Mariposa, Merced, and Mono Counties, the National Park Service, and other federal and state agencies.

¹ Tuolumne Meadows, White Wolf, and Crane Flat are points on State Highway 120 within Yosemite National Park.

YARTS seeks a long-term solution for increasing visitation to Yosemite National Park without increasing the impacts associated with automobiles during the summer months. Applicant will initially operate the service with one round trip commencing from Mammoth Lakes in the early morning and arriving late morning in Yosemite National Park. It leaves in the late afternoon and arrives at its point of origin in the evening.

Applicant proposes to use one 15-passenger van and one 36-passenger bus. The proposed adult one-way fares, as shown in Exhibit A, range between \$3 (June Lake—Lee Vining) and \$15 (Mammoth Lakes—Yosemite Valley). Exhibit E, includes the audited Balance Sheet as of June 30, 2001, that discloses assets of \$98,443,558; liabilities of \$71,038,136; and stockholders' equity of \$27,405,422.

Notice of filing of the application appeared in the Commission's Daily Calendar on April 9, 2002. Applicant notified Yosemite National Park, affected counties, public transit operators, YARTS, and governmental entities.

In Resolution ALJ 176-3086 dated April 22, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3086.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Applicant requests authority to operate as a scheduled PSC to transport passengers and their baggage between Mammoth Lakes, June Lake, Lee Vining, Tuolumne Meadows, White Wolf, Crane Flat, and Yosemite Valley.
2. Public convenience and necessity requires the proposed service.
3. No protest to the application has been filed.
4. A public hearing is not necessary.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPCN) is granted to Mammoth Mountain Ski Area (Applicant), a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-3577, subject to the conditions contained in the following paragraphs.

2. Applicant shall:

- a. File a written acceptance of this certificate within 30 days after this order is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.
- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101, 104, and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Maintain accounting records in conformity with the Uniform System of Accounts.
- g. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- h. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- i. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Rail Safety and Carriers Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The CPCN to operate as PSC-3577 granted herein expires unless exercised within 120 days after the effective date of this order.

6. The application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated June 27, 2002, at San Francisco, California.

LORETTA M. LYNCH

President

HENRY M. DUQUE

CARL W. WOOD

GEOFFREY F. BROWN

MICHAEL R. PEEVEY

Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-3577

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Mammoth Mountain Ski Area, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on a scheduled service, between points and places as described in Section II, and over and along the routes described in Section II, subject however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- A. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- B. Scheduled service will be operated only at the points, communities, and cities described in Section II. A description of all the stop points and the arrival and departure times from such points shall be indicated in the timetable filed with the Commission.
- C. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. ROUTE DESCRIPTION.

Commencing from any point in Mammoth Lakes, then over the most convenient streets, expressways, and highways to June Lake, Lee Vining, Tuolumne Meadows*, White Wolf*, Crane Flat*, and Yosemite Valley*.

*Points within Yosemite National Park.